

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

**SOUTH MISSISSIPPI ELECTRIC POWER
ASSOCIATION**

PLAINTIFF

v.

CIVIL ACTION NO. 3:14-CV-278-DMB-SAA

M & D COATINGS, INC.

DEFENDANT

**ORDER DENYING MOTION
TO DEEM REQUESTS FOR ADMISSIONS ADMITTED,
OR IN THE ALTERNATIVE, MOTION TO COMPEL**

On April 8, 2016 defendant filed a motion to deem admitted two of plaintiff's denials to requests for admissions or, in the alternative, to compel responses to one interrogatory and one request for production of documents. Docket 101. Defendant propounded the discovery requests at issue to plaintiff on June 26, 2015. Docket 28. Plaintiff responded to the discovery requests on July 20, 2015 and July 22, 2015. Docket 31, 33. The court has reviewed the motion and holds that it should be denied.

LOCAL UNIFORM CIVIL RULE 7(b)(2)(C) requires a party to "file a discovery motion sufficiently in advance of the discovery deadline to allow response to the motion, ruling by the court and time to effectuate the court's order before the discovery deadline." Although the court appreciates the parties' good faith attempts to resolve the discovery dispute, the fact remains that over nine months have elapsed between the time of plaintiff's discovery responses and the filing of the defendant's motion challenging those responses. Because defendant's motion was not filed sufficiently in advance of the April 29, 2016 discovery deadline to allow response, ruling and effectuation of the court's ruling on the motion before the deadline as required by

L.U.Civ.R. 7(b)(2)(C), the court finds that the motion is not well taken, and it is DENIED.

SO ORDERED, this, the 29th day of April, 2016.

s/ S. Allan Alexander
UNITED STATES MAGISTRATE JUDGE